



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
EMERGENCY RESPONSE BRANCH  
9311 GROH ROAD, ROOM 216  
GROSSE ILE, MI 48138-1697

EPA Region 5 Records Ctr.



242935

NOV 21 2005

**MEMORANDUM**

**SUBJECT:** ACTION MEMORANDUM - Request for an Emergency Removal Action at the Pine View Plating Site, Mineral City, Tuscarawas County, Ohio (Site ID #B5CQ)

**FROM:** Brad Stimple, On-Scene Coordinator *MB*  
Emergency Response Branch - RS1-Westlake

**TO:** Linda M. Nachowicz, Chief  
Emergency Response Branch

**THRU:** Jason H. El-Zein, Section Chief *MB*  
Emergency Response Branch - RS1

**I. PURPOSE**

The purpose of this memorandum is to request and document your approval to expend up to \$212,750 in order to mitigate threats to public health, welfare, and the environment at the Pine View Plating (PVP) Site located in Mineral City, Tuscarawas County, Ohio. This memorandum also serves to document a total project ceiling of \$150,000 in verbal Task Orders (TO) approved for the clean up contractor to conduct an emergency removal action initiated by the On-Scene Coordinator (OSC) on September 12, 2005. An initial \$80,000 TO was authorized followed by an increase of \$20,000 and \$50,000 respectively. This response action was necessary to mitigate the imminent threat to public health, welfare and the environment posed by a fire destroyed chromic acid plating facility located in the backyard of a residential home. The responsible party was financially unable to perform an appropriate cleanup.

The emergency response action was conducted pursuant to section 104(a) (1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(a) (1), as amended. Characterization, transportation, and off-site disposal of all hazardous wastes and contaminated soil were completed on October 5, 2005.

The Pine View Plating Site is not on the National Priorities List (NPL).

## **II. SITE CONDITIONS AND BACKGROUND**

**CERCLIS ID #**

### **A. Physical Location and Description**

The Pine View Plating (PVP) Site is located at 4529 New Cumberland Road NW, Mineral City, Tuscarawas County, Ohio. The small chrome plating business included a 50-foot by 25-foot building located behind the owners home on several acres of private property. The pole barn style building was completely destroyed in the fire. Only a portion of the concrete flooring currently exists upon completing the removal action. The property is located approximately 5-miles outside of the village limits but retains a Mineral City address.

The geographical coordinates for the Site are Latitude: 40.3819 N, Longitude: - 81.3169 W.

In Ohio, the low income percentage is 30% and the minority percentage is 16%. To meet the Environmental Justice (EJ) concern criteria, the area within one mile of the Site must have a population that is twice the state low income percentage and/or twice the state minority percentage. That is, the area must be at least 60% low income and/or 32% minority. The low income percentage in the area of the Site is 37% and the minority percentage is 1.0% as determined by Landview 3 EJ analysis. Therefore, the PVP Site does not meet the region's EJ criteria based on demographics as identified in "Region 5 interim guidelines for Identifying and addressing a potential EJ Case, June 1998".

### **B. Site Background**

Pine View Plating began operations in 1987, with the primary business activities consisting of grinding, repairing, and chrome-plating hydraulic cylinders and rods. As the company grew, the owner expanded the operation to include additional industrial chrome plating operations such as automotive hydraulic cylinders. In 1992 and 1997, the facility was upgraded with additional chromic acid tanks and a scrubber system. Plating production was basically a one-man operation with intermittent business depending on market demand. The business was stagnant over the last few years until recently when the owner saw a new opportunity to re-start operations. A fire destroyed the plating shop on July 17, 2005. The cause of the fire is suspected to be a spark that slowly ignited oil soaked metal savings near a metal lathe that the owner probably thinks he generated while welding that evening.

The local fire department arrived on-scene and extinguished the fire which ultimately destroyed the plating building, an adjacent house trailer and the vinyl siding on the back of the residence. During the incident, fire fighters and an emergency response contractor hired by the owner tried to contain as much fire suppression water as possible within the area. Some of this contaminated water did migrate to a small pond located south of the plating building. Approximately 3,000 gallons of chromic acid and fire water was pumped into two temporary storage tanks. Waste chromic acid liquid and sludge remained after the fire in the three process plating tanks and the below grade sumps/pits which surrounded the tanks.

The Ohio Environmental Protection Agency (OEPA) also responded to the incident. Samples collected by OEPA from fire ash and tank sludge within the perimeter of the destroyed building demonstrated that these materials were characteristic hazardous wastes for chromium. Samples collected from the two storage tanks were also considered hazardous waste for chromium (U.S. EPA Waste Code D007). Results of soil samples collected from outside of the building perimeter, particularly down gradient, found levels exceeding residential cleanup objectives.

In mid August 2005, OEPA requested U.S. EPA assistance in performing an emergency removal action at the site. On August 23, 2005, and September 6, 2005, the U.S. EPA On-Scene Coordinator (OSC), START and ERRS contractors conducted a site walk to evaluate the property. U.S. EPA concluded that cleanup efforts would need to be performed before heavy rain events caused wide spread contamination.

In a response to U.S. EPA Notice of General Liability letter, the responsible owner indicated that appropriate funding was not available to perform a cleanup and acknowledged that U.S. EPA would undertake a removal action. Access to the property was also granted to U.S. EPA at this time.

### **C. Removal Actions**

Due to the imminent and substantial threat to human health and the environment posed by uncontrolled hazardous waste remaining at this residential property, U.S. EPA initiated an emergency removal response on September 12, 2005. Response activities concluded on October 5, 2005. During this time period, the ERRS contractor removed approximately 5,627 gallons of chromic acid solution, 136 cubic yards of hazardous waste debris, 14 tons of hazardous waste sludge, 161 tons of chromium contaminated soil and 38 tons of non-hazardous debris from the PVP Site for proper off-site disposal. Non-porous (metal) plating equipment was decontaminated and staged on the property. The Emergency Response Branch (ERB) Chief verbally approved a \$150,000 project ceiling for ERRS to complete the removal action. ERRS costs to date including off-site disposal are approximately \$113,000. Minimal administrative, closeout costs will still be incurred. For further detailed information regarding the cleanup, see the Pollution Reports dated September 21, 2005, and October 11, 2005.

### **III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions at the Pine View Plating Site presented a potential threat of release of CERCLA hazardous substances, presented an imminent and substantial threat to the public health, or welfare, and the environment, and met the criteria for an emergency removal action provided for in the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2). These criteria include:

- 1) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;**
- 2) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;**
- 3) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;**

These factors were present at the PVP Site due to the presence of chromic acid wastes contained in process tanks and containment sumps, temporary storage tanks and smaller containers which existed in an uncontrolled state. Chromium contaminated debris, concrete and soil were also discovered to exist throughout the interior of the building and around the perimeter. Because the plating building walls and roof were destroyed by the fire, hazardous waste was exposed to the environment and posed a threat of release to the surrounding property and the on-site pond. Chromic acid is very water soluble and further contaminant migration would have occurred during a heavy rain event. The process tanks and containers also posed a threat of release due to deterioration and the damage sustained by the fire.

According to 40 CFR Section 261.24(b), the toxicity characteristic regulatory limit for chromium is 5.0 mg/L. Samples collected from chromic acid pumped into the storage tanks during the fire revealed toxic characteristic leaching procedure (TCLP) levels of 92,300 mg/l. Sample results of a liquid sump sample found TCLP chromium at 813 mg/l. Results of a solid fire ash sample found TCLP chromium at 20.2 mg/l. At the concentrations detected, these materials were considered U.S. EPA D007 hazardous wastes.

As noted earlier, the property owners' home is situated approximately 20-feet from the former plating building. Contaminant migration from the fire and any further releases of chromic acid from the tanks could have allowed for a serious direct contact or inhalation threat to these residents. Hexavalent chromium has been classified by U.S.

EPA as a human carcinogen by inhalation. Exposure to chromic acid can cause severe burns if skin or eye contact is made.

Soil samples collected from the perimeter of the building revealed total chromium concentrations as high as 2,770 mg/kg, well above recommended cleanup objectives for a residential setting.

**3) The availability of other appropriate Federal or State response mechanisms to respond to the release;**

In a letter dated August 12, 2005, OEPA requested assistance from the U.S. EPA in conducting a removal action at the Site. Neither OEPA nor any other local government has adequate finances or resources to perform the necessary cleanup in a timely manner.

**IV. ENDANGERMENT DETERMINATION**

Given the Site conditions, the nature of the suspected hazardous substances at the Site, and the potential exposure pathways described in Sections II and III above, actual or threatened direct or indirect releases of hazardous substances from the PVP Site due to fire, rain events, vandalism or leakage, if not addressed by implementing the emergency response actions selected in this Action Memorandum, may have presented an imminent and substantial endangerment to public health, or welfare, or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COSTS**

The purpose of this emergency removal action was to mitigate the immediate threats posed to public health, welfare, or the environment by the presence of various chromic acid, hazardous wastes which existed in an uncontrolled state at the PVP Site. Specifically, the following removal actions were performed:

- 1) Developed and implemented a Site-specific Health and Safety and air monitoring plan;
- 2) Pumped and temporarily containerized all liquid chromic acid from process tanks and sumps. Solidified waste sludge;
- 3) Removed tanks from sumps. Demolished sumps and concrete flooring for disposal;
- 4) Decontaminated metal equipment;

- 5) Excavated contaminated soil. Performed confirmation sampling;
- 6) Transported and disposed of all hazardous wastes at RCRA-approved disposal facilities, in accordance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440.

The removal action was undertaken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC initiated planning for the provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. The nature of this emergency removal action (complete removal of hazardous substances from the Site) eliminated the need for any post-removal Site control.

The detailed cleanup contractor cost estimate is presented in Attachment 1, and estimated project costs are summarized below:

**EXTRAMURAL COSTS:**

Regional Removal Allowance Costs:

Total Cleanup Contractor costs	\$150,000
(This cost category includes estimates for ERRS and subcontractors)	

Other Extramural Costs Not Funded from the Regional Allowance

Total START, including multiplier costs	\$ 35,000
Extramural Subtotal	\$185,000
Extramural Contingency (15%)	\$ 27,750

<b>TOTAL REMOVAL PROJECT CEILING</b>	<b>\$212,750</b>
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The response actions described in this memorandum directly addressed the actual or threatened release of hazardous substances, pollutants, and contaminants at the Pine View Plating Site which posed an imminent and substantial endangerment to public health or welfare or to the environment. These response actions did not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

### Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) were complied with to the extent practicable. Federal ARARs for the Pine View Plating Site primarily included RCRA disposal regulations. Wastes were disposed as characteristic hazardous waste according to RCRA. All hazardous substances, pollutants, or contaminants removed off-site during the emergency removal action were treated, stored, or disposed of at facilities in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440. OEPA was informed of the removal action throughout the process.

### **VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Given the Site conditions, the nature of the hazardous substances documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III, and IV above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, would have presented an imminent and substantial endangerment to public health, welfare, or the environment.

### **VII. OUTSTANDING POLICY ISSUES**

There were no outstanding policy issues at the Pine View Plating Site.

### **VIII. ENFORCEMENT**

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$376,627<sup>1</sup>.

$$(212,750 + 30,000) + (55.15\% \times \$242,750) = 376,627$$

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<sup>1</sup>Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

**IX. RECOMMENDATION**

This decision document represents the selected removal action for the Pine View Plating Site developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision was based upon information in the Administrative Record for the Site (See Attachment 2). Conditions at the Site met the NCP Section 300.415(b)(2) criteria for an emergency removal action, and I recommend your approval of the removal action. The total project ceiling, if approved, will be \$212,750. Of this, an estimated \$177,750 may be used for cleanup contractor costs. You may indicate your decision by signing below:

APPROVE: \_\_\_\_\_

Chief, Emergency Response Branch

DATE: \_\_\_\_\_

11/21/05

DISAPPROVE: \_\_\_\_\_

Chief, Emergency Response Branch

DATE: \_\_\_\_\_

Enforcement Addendum

Attachments

1. Detailed Cleanup Contractor Cost Estimate/Independent Government Cost Estimate
2. Administrative Record Index
3. Region V EJ Analysis

cc: D. Chung, U.S. EPA, 5202-G  
M. Chezik, U.S. Department of the Interior, w/o Enf. Addendum  
Joseph Koncelik, Director, Ohio EPA, w/o Enf. Addendum  
Jim Petro, Ohio Attorney General, w/o Enf. Addendum



**ENFORCEMENT ADDENDUM**

**PINE VIEW PLATING SITE  
MINERAL CITY, TUSCARAWAS COUNTY, OHIO  
NOVEMBER 2005**

**(REDACTED 1 PAGE)**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY  
FOIA EXEMPT**

**ATTACHMENT 1**

**DETAILED CLEANUP CONTRACTOR COST ESTIMATE  
INDEPENDENT GOVERNMENT COST ESTIMATE**

**PINE VIEW PLATING SITE  
MINERAL CITY, TUSCARAWAS COUNTY, OHIO  
NOVEMBER 2005**

**(REDACTED 1 PAGE)**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**



## ATTACHMENT 2

### U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

#### ADMINISTRATIVE RECORD FOR PINE VIEW PLATING SITE MINERAL CITY, TUSCARAWAS COUNTY, OHIO

ORIGINAL  
NOVEMBER 9, 2005

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	08/12/05	Sarvis, H., Ohio EPA	El-Zein, J., U.S. EPA	Letter re: Ohio EPA's Re- quest for U.S. EPA's Assis- tance with an Emergency Removal at the Pine View Plating Site w/Attachments	23
2	09/21/05	Stimple, B., U.S. EPA	Distribution List	POLREP #1 (Initial) for the Pine View Plating Site	4
3	10/11/05	Stimple, B., U.S. EPA	Distribution List	POLREP #2 (FINAL) for the Pine View Plating Site	4
4	00/00/00	Stimple, B., U.S. EPA	Nachowicz, L. U.S. EPA	Action Memorandum: Request for an Emergency Removal Action at the Pine View Plating Site, Mineral City, Ohio ( <b>PENDING</b> )	

**ATTACHMENT 3**

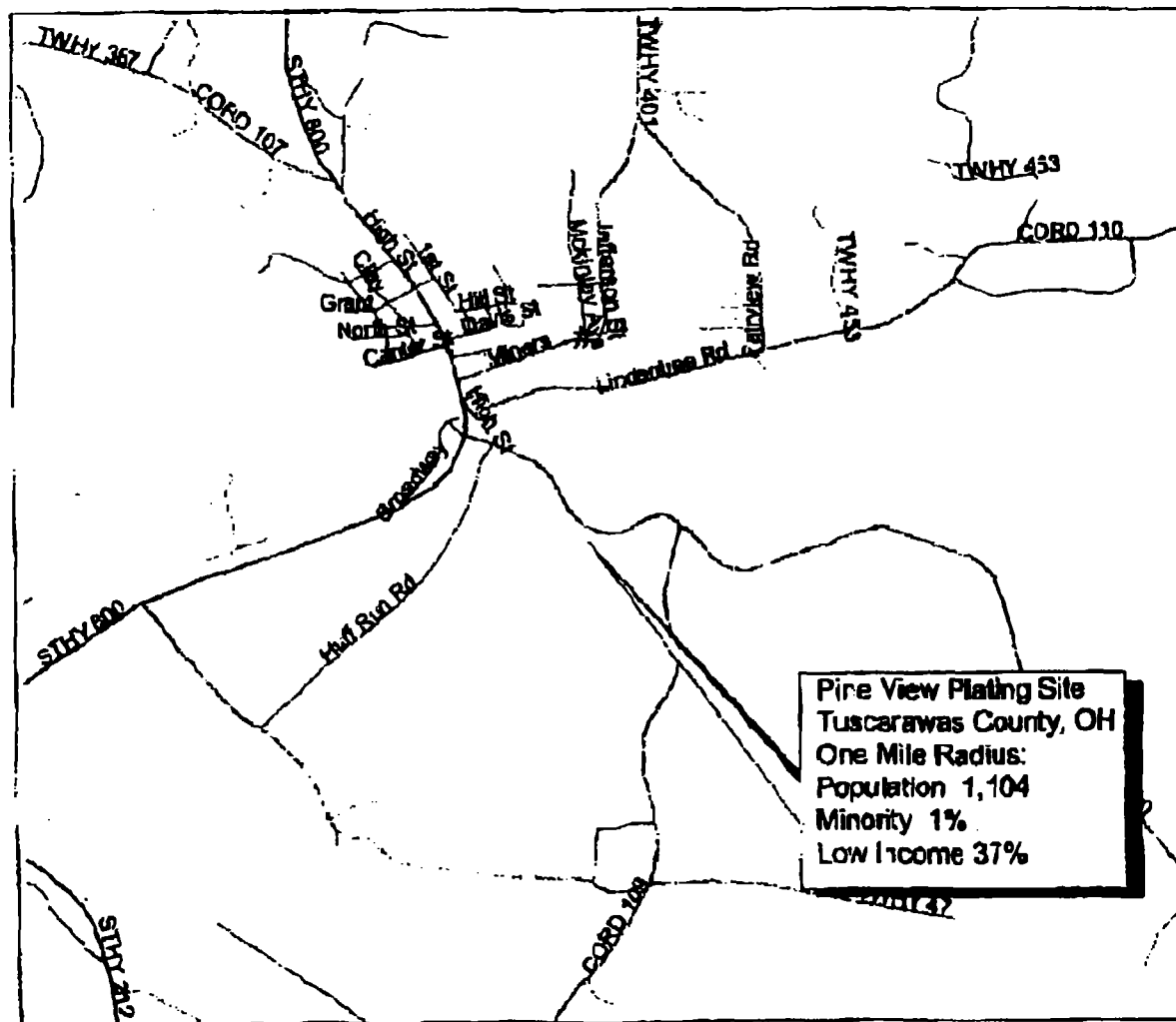
**REGION V EJ ANALYSIS  
PINE VIEW PLATING SITE  
MINERAL CITY, TUSCARAWAS COUNTY, OHIO**

**NOVEMBER 2005**

# Region 5 Superfund EJ Analysis

## Pine View Plating

## Mineral City, OH



0 1 2 3 Miles

State of Ohio averages:

Minority: 16%

Low Income: 30%

U.S. EPA Region 5  
Environmental Justice Case Criteria  
for State of Ohio

Minority: 32% or greater

Low Income: 60% or greater



Date of Map: 8/20/05

Source of Map: Census2000 Database  
ArcView 3.8